

ASARCO EMS CONSENT DECREE REQUIREMENTS

I. APPROACH

The EPA approach to developing environmental management system (EMS) issues for the ASARCO Consent Decree proceeded along two tracks: one to evaluate the company's plans to overhaul and improve its corporate and facility-specific management systems, and a second to evaluate known compliance problems for common EMS-related root causes. Both types of evaluations were made using the NEIC Compliance-Focused Environmental Management System key elements as the "measuring stick."

The Consent Decree's EMS provisions directly resulted from this approach and include requirements to: (1) fully implement the proposed environmental components of the new corporate management system, and (2) specifically address three common EMS-related root causes of non-compliance, as described below. All required programs are subject to required annual reviews.

II. EMS DEVELOPMENT AND IMPLEMENTATION

ASARCO has agreed to develop and fully implement a comprehensive corporate-wide environmental management system (EMS) within 4 years. The blueprint for EMS improvements is contained in three principal documents, which were reviewed by the EMS negotiating team and modified in response to their comments. Detailed implementation plans will be developed for each of the 38 ASARCO facilities subject to the Decree within 1 year, and progress will be reported to EPA on a semi-annual basis.

Environmental Metrics: ASARCO has agreed to collect and annually report data on several environmental parameters ("metrics") for each ASARCO facility. The purpose is to measure the impacts of implementing the comprehensive EMS and the specific enhancements described below. The impacts measured include spills, permit exceedances, toxic and pollutant releases, recycling, and water and energy usage, normalized to raw material throughput, as applicable.

The expected benefits from this and the following Consent Decree EMS requirements are creation of a consistent corporate- and plant-level management infrastructure that should result in increased compliance with environmental requirements, improved environmental protection by preventing and reducing pollutant emissions, and sharing of successful approaches with other organizations. The success of the improvements will be monitored by measuring environmental impacts of plant operations in key areas.

III. ENVIRONMENTAL ASPECTS/IMPACTS REVIEW

ASARCO has agreed to conduct an expedited Environmental Aspects/ Environmental Impacts

review at facilities subject to the Consent Decree. Based on that review, ASARCO will develop and implement an assessment, prevention, and control (APC) program, including development of detailed process flow diagrams for each operation in each ASARCO Facility. The APC program is to be fully implemented with 30 months.

This requirement will result in ASARCO developing a more thorough documented understanding of its processes and activities regarding waste production and management, and facilitate risk identification. The APC program will include, on a corporate-wide basis, systematically formalizing risk management procedures (e.g., standard operating procedures, training, and inspections).

IV. ENVIRONMENTAL REQUIREMENTS

ASARCO has agreed to develop and implement, within 12 months, a comprehensive corporate-level program for identifying and documenting environmental requirements applicable to company operations, on-site service providers, and contractors. The program also includes protocols for interpretation, assessment, and communication of the environmental requirements throughout the company and each facility, so that compliance activities are implemented and monitored.

Technology Transfer: ASARCO has agreed to disseminate to other businesses and organizations its protocol and program for identifying and communicating environmental requirements through a series of seminars to be held at national or regional meetings of professional or trade organizations during the fourth and fifth years after the Consent Decree is entered.

Identifying applicable environmental requirements and ensuring compliance is a pervasive problem in the regulated community. The comprehensive program specified by the Consent Decree is intended to both institutionalize the process and improve compliance with environmental requirements. Further, ASARCO will be sharing its program and lessons learned with other organizations in national and regional forums.

V. EMPLOYEE ENVIRONMENTAL AWARENESS AND TRAINING

ASARCO has agreed to develop and implement a corporate-wide program intended to increase employee awareness and involvement in meeting ASARCO's environmental requirements. The Consent Decree specifies that the training will include at least four (4) hours of initial classroom instruction and an annual refresher of at least two (2) hours of classroom instruction. The initial training at all facilities is to address 11 specific topics, and be completed within 2 years.

This program addresses another pervasive problem in the regulated community that often leads to non-compliance and/or environmental damage. The benefit will be substantial improvement

in employee awareness of the regulatory and environmental aspects of their work and the potential consequences of not following proper procedures.